THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.23143 of 2002

Between:

K.Sekhara Rao, S/o.late Narasimhulu, Transport Business,

Narasingarao Street, Amadalavalasa, Srikakulam District.

... Petitioner

AND

1. The Secretary, Regional Transport Authority, Srikakulam
and others

...Respondents

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THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23143 of 2002

ORDER:

The petitioner is a bus operator. He obtained town service permit on the route from Srikakulam Collector's Office to Amadalavalasa R.S., with permission to run five stage carriage buses with fourteen trips for each bus. The route from Srikakulam R.T.C. Complex to Amadalavalasa is covered by a scheme notified vide G.O.Ms.No.1084, dated 09.11.1987. The distance of the said route is 13 KMs and one has to travel an extra 0.6 KMs to go from Amadalavalasa R.T.C. complex to Amadalavalasa R.S.

The grievance of the petitioner is that though A.P.S.R.T.C. is entitled, as per the scheme in G.O.Ms.No.1084, dated 09.11.1987, to run buses from Srikakulam R.T.C. complex to Amadalavalasa Bus stand, it is running buses upto Amadalavalasa R.S., which is illegal and in contravention of the provisions of Motor Vehicles Act, 1988 (the Act). Therefore, the petitioner initially gave a complaint/representation to the first respondent on 01.5.2001, in vain. He then filed W.P.No.10120 of 2001 seeking a direction to the respondents herein to take appropriate action against A.P.S.R.T.C. for violating the scheme and conditions of permit. By an order dated 22.05.2001, this Court disposed of the said writ petition

directing the respondents to consider the representation of the petitioner and pass appropriate orders. It is alleged by the petitioner that after disposal of W.P.No.10120 of 2001, he made a number of representations duly enclosing the copy of the order in the writ petition but there is no response, compelling him to file the present writ petition seeking a direction to the respondents to take immediate action under Section 86 of the Act against R.T.C.

Opposing the writ petition, the Law Officer in A.P.S.R.T.C. filed a counter affidavit. It is stated that as and when it was proposed to nationalize the routes, the private operators are operating their buses and taking that into consideration, the scheme is notified accordingly under the provisions of the Act. It is the case of R.T.C. that all the notified routes are starting at Srikakulam and go to Amadalavalasa R.S. via Amadalavalasa, and upwards and therefore, there is no contravention even if R.T.C. operates buses from Srikakulam R.T.C. complex to Amadalavalasa and Amadalavalasa R.S.

The learned Counsel for the petitioner has taken this Court through various notifications under which various mofussil routes were notified. G.O.Ms.No.1084 dated 09.11.1987 describes the routes as Srikakulam – Amadalavalasa (via Ragolu 13 KMs) and Srikakulam – Purushothapuram (via Amadalavalasa and Rottavalasa 26 KMs). If R.T.C. was granted permit from Srikakulam R.T.C. Complex to Amadalavalasa by reason of the orders in G.O.Ms.No.1084, strictly construing the said G.O., it is not possible to accept the submission of the learned Standing Counsel for R.T.C., that Srikakulam – Amadalavalasa via Ragolu must be read as Srikakulam – Amadalavalasa via Ragolu – Amadalavalasa R.S. That was not the intention of the scheme.

On 08.2.2002, the Regional Transport Officer addressed a letter to the third respondent requesting to run buses on the route according to the approved scheme and also informed that if there is any violation, the matter will be placed before the R.T.A. It was pointed out that the operation of buses from Srikakulam R.T.C. complex to Amadalavalasa R.S. is in contravention of the notified scheme in G.O.Ms.No.1084, dated 09.11.1987. This also supports the view taken by this Court as above.

Therefore, the writ petition is allowed directing the Regional Transport Officer to place the matter before the Regional Transport Authority within a period of two months or in the next meeting whichever is earlier for considering the grievance of the petitioner. Needless to point out that the Regional transport Authority shall issue notice to A.P.S.R.T.C. before taking any further action in the matter. There shall be no order as to costs.

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November 21, 2005 **(V.V.S.RAO,J)**

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NOTE:

Issue order copy by

25.11.2005.

(B/o)

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